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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,787	03/02/2000	JOHN P. HART	36968/191614	1002
38823	7590	08/30/2006	EXAMINER	
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP/ BELLSOUTH I.P. CORP 100 GALLERIA PARKWAY SUITE 1750 ATLANTA, GA 30339			MILLER, BRANDON J	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/486,787

Applicant(s)

HART ET AL.

Examiner

Brandon J. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-16 is/are rejected.
- 7) ☒ Claim(s) 4 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 4 the prior art does not teach or fairly suggest programming a dispatch computer to: determine the length of a new dispatch order and, based upon the determined length, formulate the new dispatch order into one SMS message or multiple, related SMS messages.

Regarding claim 17 the prior art does not teach or fairly suggest programming a dispatch computer to: determine the length of a new dispatch order and, based upon the determined length, formulate the new dispatch order into one message or multiple, related messages; and wherein the pre-selected format is one of the group consisting of SMS and GPRS, wherein if the processor determines that the message is in GPRS format, it routes the message to a second network element.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-10, 12-13, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah et al. (5,636,122) in view of Ray et al. (6,067,529).

Regarding claim 1 Shah teaches a method for dispatching work orders and receiving status information concerning such orders via a communications network adapted to communicate two- way messages (see col. 11, lines 49-54, col. 15, lines 1-3, and col. 17, lines 8-10 & 14-26). Shah teaches coupling a communication device to a dispatch computer, wherein the communication device is adapted to send and receive two-way messages and wherein the message includes status-type information (see col. 11, lines 49-55, col. 12, lines 36-43 and col. 17, lines 8-10 & 14-26). Shah teaches formatting a dispatch order into at least one two-way message; and forwarding the two-way message over the communication network to a selected communication device or group of communication devices (see col. 11, lines 49-57 and col. 17, lines 8-10 & 14-26). Shah does not specifically teach a network adapted to communicate short message service ("SMS") messages, sending and receiving messages in a SMS format, reformatting the SMS message into an Internet packet, and forwarding the Internet packet over a communications network. Ray teaches a network adapted to communicate short message service ("SMS") messages and sending/receiving messages in a SMS message format (see col. 4, lines 15-20). Ray teaches reformatting the SMS message into an Internet packet, and forwarding the Internet packet over a communications network (see col. 5, lines 10-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the two-way messaging system in Shah to include a system adapted to communicate short message service ("SMS") messages and reformatting the SMS message into an Internet packet for transmission because a two-way message can be sent over the Internet and this would allow for efficient data communication between a computer aided dispatch system and a remote communication device.

Regarding claim 2 Shah teaches a selected communication device that is provided with a response to the dispatch order (see col. 17, lines 12-23). Shah teaches formulating at least a portion of the response into a reply two-way message (see col. 11, lines 49-54 and col. 17, lines 13-15). Shah teaches forwarding from the selected communication device a reply message containing the response to the communication device, wherein the communication device provides at least a portion of the two-way message to the dispatch computer for storage or display (see col. 17, lines 12-26). Shah does not specifically teach a network adapted to communicate short message service ("SMS") messages. Ray teaches a network adapted to communicate short message service ("SMS") messages (see col. 5, lines 10-15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the two-way messaging system in Shah to include a system adapted to communicate short message service ("SMS") messages because this would allow for efficient data communication between a computer aided dispatch system and a remote communication device.

Regarding claim 3 Shah teaches a response that comprises status information describing the status of the dispatch order (see col. 17, lines 12-19).

Regarding claim 5 Shah teaches displaying on a dispatch computer pending dispatch orders; and updating the database upon the receipt of a reply message from a selected mobile unit concerning the dispatch order being addressed by the mobile unit (see col. 17, lines 5-10 & 14-19). Shah does not specifically teach a reply SMS message from a selected service technician. Shah does teach mobile entities that include people performing service related tasks (see col. 5, lines 23-35). Ray teaches transmitting SMS messages from one or more stations to one or more stand-alone devices (see col. 4, lines 15-20 and col. 5, lines 17-19). It would have been obvious

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to one of ordinary skill in the art at the time the invention was made to modify the two-way messaging system in Shah to include a reply SMS message from a selected service technician because this would allow for efficient data communication between a computer aided dispatch system and a remote communication device.

Regarding claim 6 Shah teaches a method for dispatching orders to mobile units remotely and receiving responsive information from such mobile units concerning orders via at least one wireless network adapted to transmit two-way messages to allow communication among a central processor and mobile units without making a wireless telephone call (see col. 11, lines 25-31 & 49-58 and col. 17, lines 8-10 & 14-26). Shah teaches providing each mobile unit with a processor and a transceiver adapted to communicate via two-way messages (see col. 5, lines 23-35, col. 10, lines 10-20, and col. 11, lines 49-54). Shah teaches periodically causing a central processor to formulate a two-way message to a selected mobile unit that provides the mobile unit a dispatch order, wherein the two-way message includes status-type information (see col. 17, lines 8-10 & 14-26). Shah teaches transmitting a message over a wireless network via a two-way messaging center within a wireless network; and receiving the message at a selected mobile units transceiver (see col. 11, lines 49-58 and col. 17, lines 8-10 & 14-26). Shah does not specifically teach dispatching orders to service technicians, communicating short message service ("SMS") messages, a short message center coupled to a mobile switching center, reformatting a message into at least one Internet packet; and transmitting the message over an IP network. Shah does teach mobile entities that include people performing service related tasks (see col. 5, lines 23-35). Ray teaches communicating short message service ("SMS") messages (see col. 4, lines 16-20). Ray teaches a short message center coupled to a mobile switching center and reformatting a

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message into at least one Internet packet; transmitting the message over an IP network (see col. 5, lines 10-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the two-way messaging system in Shah to include a system adapted for dispatching orders to service technicians, communicating short message service ("SMS") messages, a short message center coupled to a mobile switching center, reformatting a message into at least one Internet packet; and transmitting the message over an IP network because a two-way message can be sent over the Internet and this would allow for efficient data communication between a computer aided dispatch system and a remote communication device.

Regarding claim 7 Shah teaches receiving from a selected mobile unit a response message indicating status of an order (see col. 17, lines 14-19).

Regarding claim 8 Shah teaches receiving and storing response messages from multiple mobile units, in which each responsive message indicates the status of a dispatch order being fulfilled by the respective mobile unit (see col. 5, lines 36-44, col. 17, lines 14-19 and FIG. 5).

Regarding claim 9 Shah teaches a method for managing dispatch applications in order to deliver messages from or to each of multiple mobile units deployed over a geographically-dispersed area (see col. 3, lines 9-15 & 35-38 and col. 11, lines 49-52). Shah teaches formulating at a central processor a message to at least one of the mobile units for wireless transmission according to a pre-selected format, wherein the message contains status-type information (see col. 11, lines 25-31 & 49-55 and col. 17, lines 8-10 & 14-26). Shah teaches transmitting a message to a network element for identifying that message (see col. 13, lines 66-67 and col. 14, lines 1-4). Shah teaches transferring a message from a network element to a communication device, wherein the communication device is capable of forwarding from the mobile unit a reply

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message concerning the status of the dispatch order (see col. 17, lines 7-10 & 14-26). Shah does not specifically teach dispatching applications to multiple service technicians, reformatting a message to an Internet protocol, or a communication device adapted to cause a message to be displayed. Shah does teach mobile entities that include people performing service related tasks (see col. 5, lines 23-35). Shah does teach a mobile unit able to communicate video signals (see col. 10, lines 15-18 & 22-24). Ray teaches reformatting the message to Internet specifications, and forwarding the Internet message over a communications network (see col. 5, lines 10-14). Ray teaches a mobile device with displayed (see col. 3, lines 66-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the two-way messaging system in Shah to include dispatching applications to multiple service technicians, reformatting a message to an Internet protocol, or a communication device adapted to cause a message to be displayed because two-way messages can be sent over the Internet and this would allow for efficient data communication between a computer aided dispatch system and a remote communication device.

Regarding claim 10 Shah and Ray teach a device as recited in claim 9 except for a preselected format that is SMS and the network element is a short messaging center ("SMSC"). Ray does teach a format that is SMS and a network element for identifying the message (see col. 5, lines 10-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a preselected format that is SMS and the network element is a short messaging center ("SMSC") because this would allow for improved two-way communication between a computer aided dispatch system and a remote communication device.

Regarding claim 12 Shah teaches receiving messages from multiple mobile units (see col. 1, lines 59-67).

Regarding claim 13 Shah teaches a processor that receives messages and places the received messages into a database comprising various fields describing dispatch orders and their status (see col. 5, lines 36-44 and FIG. 5).

Regarding claim 15 Shah teaches a dispatch work order that is formulated into a two-way message by a processor, which thereafter forwards at least one message for delivery to a selected mobile unit (see col. 11, lines 49-51 and col. 17, lines 7-10). Shah does not specifically teach a SMS message for delivery to a service technician. Shah does teach mobile entities that include people performing service related tasks (see col. 5, lines 23-35). Ray teaches a message that is formulated into at least one SMS message, which thereafter forwards the at least one SMS message for delivery to a selected device ((see col. 4, lines 15-20 and col. 5, lines 17-19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the two-way messaging system in Shah to include a system adapted for dispatching orders to a SMS message for delivery to a service technician because a two-way message can be sent utilizing a SMS system and this would allow for efficient data communication between a computer aided dispatch system and a remote communication device.

Regarding claim 16 Shah teaches a processor that updates a database of dispatch orders to indicate the status of the dispatch orders or to remove the dispatch orders from the database upon command from the dispatch operator (see col. 12, lines 14-35).

Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah et al. (5,636,122) in view of Ray et al. (6,067,529) and Nageli (6,731,942 B1).

Regarding claim 11 Shah and Ray teach a device as recited in claim 9 except for a pre-selected format that is GPRS and a network element is a base station control determines that the message is GPRS data transmission and routes the message to another network element comprising a support node. Nageli teaches a message format the is GPRS and utilizing GSM/GPRS signaling protocol consistent with methods well known in the art (see col. 5, lines 1-8 & 37-44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a pre-selected format that is GPRS and a network element is a base station control determines that the message is GPRS data transmission and routes the message to another network element comprising a support node because this would allow for efficient communication of two-way packet data over a GPRS network.

Regarding claim 14 Shah and Ray teach a device as recited in claim 12 except for providing a default field to a dispatch operator for formulating a dispatch work order. Nageli teaches providing a default field for formulating a message (see col. 9, lines 20-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include providing a default field to a dispatch operator for formulating a dispatch work order because this would allow for efficient communication of two-way packet data over a GPRS network.

Claim Objections

Claims 4 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

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Applicant's arguments with respect to claims 1-3 and 5-16 have been considered but are moot in view of the new ground(s) of rejection.

Regarding claim 9, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., converting an SMS message into at least one Internet packet) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Duske, Jr. et al. U.S. Patent No. 6,292,473 B1 discloses mobile communications terminal for satellite communications system.

Kennedy, III et al. U.S. Patent No. 6,240,295 B1 discloses data messaging in a communications network using a feature request.

Ray et al. U.S. Patent No. 6,067,529 discloses a system and method for sending a short message containing purchase information to a destination terminal.

Gleason U.S. Patent No. 5,966,663 discloses a data communications protocol for facilitating communications between a message entry device and a messaging center.

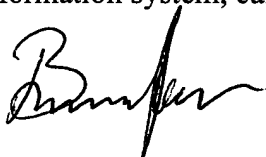
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J. Miller whose telephone number is 571-272-7869.

The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



August 25, 2006



GEORGE ENG
SUPERVISORY PATENT EXAMINER